

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMES PETER,

Plaintiff,

Civil Action No. 07-13298

vs.

Honorable Patrick J. Duggan

STRYKER ORTHOPAEDICS, INC., a
foreign corporation, THE STRYKER
CORPORATION, a Michigan corporation,
STRYKER BIOTECH LLC, a Michigan
corporation, HOWMEDICA OSTEONICS
CORP., a foreign corporation, and
STRYKER TECHNOLOGIES CORP., a
Michigan corporation, Jointly and Severally,

Defendants.

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**ORDER EXCLUDING EXPERT TESTIMONY AND REPORT, EXTENDING
DISPOSITIVE MOTION CUTOFF, AND AWARDING COSTS AND FEES**

This matter having come before the Court on Defendant Howmedica Osteonics Corp.'s Motion To Strike Expert Report, Exclude Expert Testimony, and Extend Dates, and the Court having held oral argument on the motion on December 4, 2008, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED THAT Howmedica's motion to strike the expert report and exclude the expert testimony of Mari S. Truman is GRANTED, for the reasons stated on the record.

IT IS FURTHER ORDERED THAT Howmedica's motion to extend dates is GRANTED in part and DENIED in part, for the reasons stated on the record. The dispositive motion cutoff shall be extended to **December 23, 2008**, but the other deadlines remain the same. It is noted that if this case is not resolved through a dispositive motion, Howmedica shall have an opportunity to submit expert witness reports at a date later set by the court.

IT IS FURTHER ORDERED THAT Howmedica's motion for costs and fees pursuant to Fed. R. Civ. P. 37(b) and (c) is GRANTED, for the reasons stated on the record. Plaintiff's counsel is hereby ordered to pay the sum of **\$2,500.00** to Howmedica (via Howmedica's counsel) by **December 18, 2008**. **FAILURE TO COMPLY WITH THIS PORTION OF THIS ORDER WILL SUBJECT PLAINTIFF'S CASE TO DISMISSAL.**

SO ORDERED.

S/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: December 5, 2008 December 5, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 5, 2008 December 5, 2008, by electronic and/or ordinary mail.

S/Marilyn Orem
Case Manager

Prepared by:

/s/ Krista L. Lenart
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